

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VANESSA WITT; and JENNIFER HAYFORD)	
)	
)	No. 3-12-1042
v.)	
)	
LABTRAN, LLC; LABS MADE EASY, LLC; THOMASON MOVING TRAINING, LLC; and ERIC ARNOLD ¹)	
)	

ORDER

Upon the Court's request, counsel for the parties called the Court on August 28, 2014, to address the plaintiffs' motion to extend discovery and motion for summary judgment responses deadlines (Docket Entry No. 40).

After discussion, it appeared to the Court and counsel for the parties that the plaintiffs might be able to agree to dismissal of claims against defendants Labs Made Easy, LLC and Thomason Moving Training, LLC, thereby rendering moot the pending motion to extend deadlines and the pending motion for summary judgment (Docket Entry No. 37).

By September 11, 2014, the parties² shall file an agreed order or stipulation of dismissal of the plaintiffs' claims against defendants Labs Made Easy, LLC and Thomason Moving Training, LLC or a notification that the parties are not able to agree to such a dismissal.

The time for the plaintiff to file a response to the pending motion for summary judgment filed by defendants Labs Made Easy, LLC and Thomason Moving Training, LCC will be extended, if necessary, if the parties notify the Court that they are unable to reach such an agreement.

¹ Labtran Clinical Laboratory, LLC was named as a defendant in the original complaint but was not named in the amended complaint filed on October 1, 2013 (Docket Entry No. 24).

² Counsel for defendants Arnold and Labtran, LLC shall also enter into any such agreed order of dismissal of the plaintiffs' claims against defendants Labs Made Easy, LLC and Thomason Moving Training, LLC to assure compliance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as applicable.

If the parties notify the Court that they are unable to reach such an agreement, further proceedings will be scheduled to address the plaintiffs' pending motion.

Although the Court understands that defendants' counsel has a heavy schedule in the next few weeks, to the extent that the parties cannot easily agree upon the terms of an agreed order of dismissal, the Court strongly encourages defense counsel to communicate telephonically with plaintiffs' counsel if at all possible during this process.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge